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Attorney for Energy Freedom Coalition of America

BEFORE THE ARIZONA CORPORATION COMMISSION

DOUG LITTLE CHAIRMAN

BOB STUMP COMMISSIONER

BOB BURNS COMMISSIONER

TOM FORESE

ANDY TOBIN COMMISSIONER

COMMISSIONER

DOCKET NO. E-01345A-16-0036

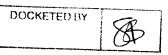
IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UTILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN THEREON, TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN.

DOCKETED

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Arizona Corporation Commission

IN THE MATTER OF FUEL AND PURCHASED POWER PROCUREMENT **AUDITS FOR ARIZONA PUBLIC** SERVICE COMPANY.



DOCKET NO. E-01345A-16-0123

SUPPLEMENTAL STATEMENT OF AUTHORITY BY THE ENERGY FREEDOM COALITION OF AMERICA IN RESPONSE TO MOTION FOR PROTECTIVE ORDER

Energy Freedom Coalition of America ("EFCA") submits the following Supplemental Statement of Authority in support of its October 12, 2016 Response to Arizona Public Service Company's Motion for Procedural Conference and Interim Protective Order.

In addition to all of the arguments asserted by EFCA in its earlier response and those advanced during the hearing on October 20, 2016, EFCA wants to draw the Commission's

attention to A.R.S. §40-244 which permits depositions in proceedings before the Corporation Commission, specifically this section provides:

40-244. Administration of oaths and certification to official acts by commissioners; taking of depositions; witness fees and mileage

A. Each commissioner may administer oaths and certify to all official acts. The commission, or a commissioner, or any party, may take depositions as in a court of record.

[Emphasis added]. This statute contains no limitations on the right to take a deposition. This statute is consistent with Arizona's deposition rules which deserve "a broad and liberal treatment" and the Commission's own administrative rules which provide that "The Commission, a Commissioner, or any party to any proceeding before it may cause the depositions of witnesses to be taken in the manner prescribed by law and of the civil procedure for the Superior Court of the state of Arizona."

Even if APS were arguing that the Commission's Rules regarding depositions were somehow outdated or worthy of modification, which EFCA maintains is incorrect, the Commission does not have the ability to modify this statute giving EFCA the right to take the deposition of Ms. Lockwood as if this were a court of law.

Respectfully submitted this 4th day of November, 2016.

Rose Law Group pc

/s/ Court S. Rich
Court S. Rich
Attorney for EFCA

¹ Skok v. City of Glendale, 3 Ariz. App. 254, 257–58, 413 P.2d 585, 588–89 (1966). ² Ariz. Admin. Code R14-3-109(P).

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1	Original and 13 copies filed on	
2	this 4th day of November 2016 with	
3	Docket Control	
	Arizona Corporation Commission	
4	1200 W. Washington Street	
5	Phoenix, Arizona 85007	
6	I hereby certify that I have this day serv	red a copy of the foregoing document on all parties of
	record in this proceeding by regular or ele	lectronic mail to:
7		
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By: /s/ Hopi L. Slaughter

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